

Meeting of 1997-4-08 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
APRIL 8, 1997 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

John T. Marley, Mayor, Also Present:
Presiding Gil Schumpert, City Manager
Felix Cruz, City Attorney
Brenda Smith, City Clerk

The meeting was called to order at 6:10 p.m. Notice of meeting and agenda were posted on the City Hall bulletin board as required by State law.

ROLL CALL

Present: Jody Maples, Ward One
Richard Williams, Ward Two
Joe Dutcher, Ward Three
John P. Purcell, Jr., Ward Four
Robert Shanklin, Ward Five
Charles Beller, Ward Six
Carol Green, Ward Seven
Randy Warren, Ward Eight

Absent: None.

CONSIDER MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MARCH 25, 1997.

MOVED by Warren, SECOND by Williams, for approval of the Minutes. AYE: Beller, Green, Warren, Maples, Williams, Dutcher, Purcell, Shanklin. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION:

Ruth Craig, 403 NW 29th Street, said she understood the City had been told by the EPA to repair the sewer system and recommended that funding be obtained through sales tax. She suggested a few be done each year over a 15 year period, starting with the oldest ones, but not to put in any more new sewer lines until the existing ones are repaired. Craig said tests showed a great deal of grease in the sewer lines and asked that residents not put grease in the sewers.

Craig said she would like a program started where senior citizens, when they must move from their homes, could come to the Planning Department to have a developer give an appraisal price of the property and the owner could let the City have the property for that price.

Comments by Tony Virtu are included verbatim as follows:

"\$300,000 over the last few years has been spent by you in interest payments on judgments rendered against the City. These judgments range mainly in the \$400 to \$500 range. One of the reasons you lose is because nobody wants to talk to anybody else. It goes a long way in saying hi, how you doing, you got a problem, lets talk about it. OK, so you waste \$300,000 of the public taxpayers money. The City Attorneys Office has an account called professional services, thats for outside lawyers. I guess it doesnt matter that he runs somewhere in the neighborhood of \$80,000 over his budget for that in the past couple of years, thats per year. Its the taxpayers money, you dont have to sit down and talk to anybody about it and try to save taxpayers money, thats OK.

I filed a claim on February 10th, I asked for a two week provision on an emergency, I didnt get it, nobody wants to talk to me. In the little thing they gave me about claims against the City they say oh, it should take about eight to ten weeks. Its eight weeks, nobody wants to talk to me. In about 30 days, this claim will be 90 days old, which means it will be automatically dropped, which means that anything I have to present to this Council or anyone else about police misconduct, corruption, possible criminal conspiracy, you wont have to hear it. That means you can say, oh, I didnt know about that. Thats called deniability. Remember Nixon, Reagan and now Clinton, they all got deniability. Im still living on the street, you people owe me money. You have my clothes, you have my personal affects, you have everything, its in your control. All the City Attorney wants to say to people is we dont care, take it to court. I will.

Again, its the taxpayers money. Id like to say its my money but because of you people I cant pay taxes because I dont earn any. Keep your deniability, keep your heads in the sand, all I want to do is sit down and talk to someone about this. You can cover it up or you can check it out. If what I say is untrue, I will file a claim with the police, if what I say is untrue, thats called filing a false police report, then put me in jail. Thats a crime. But the police wont take my report, the police wont take my complaint that I was robbed. They threw me out of the police station. The City Attorney doesnt want to hear about it. The Mayor, when asked a specific question, why will you not speak with this man about a solution to the problem, he answers I have spoken with him, and hes telling the truth, as a politician, its called quibbling. He spoke to me about the problem, but no one wants to speak about the solution. You would prefer to spend taxpayers money in district or federal court and lose like you normally do. Thank you."

Robert Lyons said they wanted to talk about Harrell Park behind Hastings. He said the bicycle jumps are being bulldozed down, and that he, his brother and five of his friends here are bicyclers, and two of the parents are present to support this, and the only thing they ask is that crews stop bulldozing. Lyons said they are all members of the American Bicycle Association and want the bulldozing to stop so they can have something to do after school.

Jonathan Lyons said he was told they were bulldozing in Harrell Park because of motorcyclists riding through the park. He said he had not seen any, but his friends had seen them once, they were told to stop and have not returned. Lyons said they want to be able to have something to do on the weekends and weekdays, be with friends and ride. He said he went to the park yesterday to do some jumping and found they had been bulldozing the park. Lyons said he talked with some friends and they came tonight to ask that this be stopped.

Mayor Marley asked for an address as a point of contact. Lyons said 2402 NW 80th Street, Lawton, Ward 6. Maples said the park is in Ward 1.

Preston Dewolf said he has two boys that ride, and that there is really nothing in Lawton for kids to do after school if they do not participate in sports. He said he knows most of the kids in this situation, they are pretty good kids but are kind of walking the line between maybe getting in trouble or trying to stay out of trouble. Dewolf said it is a public park and many may not want the kids down there, but there is nothing for the kids to do. He said if the kids should not be in this park, the City may want to produce a place where the kids could ride and do BMX racing. Dewolf said they travel to Oklahoma City, Tulsa, and Wichita, Kansas, so the kids can race the bicycles, and it would be better for the kids to peddle bicycles than drugs. He gave his address as 7004A SW Stratford.

Maples said she grew up in that park and enjoyed bicycles, and that Mr. Warren also grew up over there. She said they could count on their full support and asked that the bicycle ramps be put back up.

Mayor Marley said the Director of Parks & Recreation would get in touch with the residents to see where we go from there.

UNFINISHED BUSINESS:

1. Ratify the action of the Lawton Water Authority concerning the approval of a lease agreement with School House Slough, Inc., for School House Slough Concession, Lake Lawtonka. EXHIBITS: NONE. (See Lawton Water Authority)
2. Consider assigning the Lessors option to purchase the fixed assets of Mrs. Harrell Moore to the School House Slough, Inc. EXHIBITS: NONE. (See Lawton Water Authority)

Mayor Marley said Items 1 and 2 have been tabled to the next meeting by the Lawton Water Authority.

BUSINESS ITEM:

3. Hold a public hearing and consider approving an ordinance amending the Land Use Plan from Residential Single-Family and Duplex to Commercial and Office and a change of zoning from R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning classification located at 505 N Sheridan Road. EXHIBITS: ORDINANCE NO. 97-16; LOCATION MAP; APPLICATION FOR AMENDMENT TO THE LAND USE PLAN AND REZONING; SITE PLAN; LMAPC MINUTES OF MARCH 12, 1997; PETITION OF PROTEST.

Bob Bigham, City Planner, said the transparency on the back wall indicates the location, which is five lots south of Ferris on NW Sheridan Road. The owners are John and Sandra Amburgey, the applicants are Steve and Tracy Rich. Intended use of the request is a beauty shop. Tract is one-third of an acre, or one platted lot, in Morford Addition; it is bounded by R-1 on the south and east, C-1 on the north, C-5 on the west across Sheridan Road. Surrounding land use is business and professional office to the north, vacant to the south, single-family to the east; and Nottingham Plaza to the west across Sheridan Road. Notice of public hearing was mailed to 16 property owners within 300 feet and was properly published. Several telephone calls have been received; call was received from Richard McGlothlin of 2123, which is Lot 20 at the corner of Columbia and Sheridan, supporting this request. Letters were received today, and distributed to Council, from Bob and Sharon Dismuke and Jimmy Walker supporting the request. Calls in opposition were received from James Cobb and Johnny West.

The LMAPC held a public hearing on March 12, four persons spoke in favor and six persons spoke in opposition. The LMAPC recommended approval of this request. He said a protest petition was received and was provided in the packet.

Petition contains 24 signatures representing 23 lots; transparency was shown identifying locations of those protesting the request. This represents 22% of the notification area and does not require an increase in Council vote.

Beller asked if the petition had been presented at the LMAPC meeting also when this was approved. Bigham said it was received April 3, which was after the LMAPC meeting. Beller asked if the residents were notified in time that the petition could have been at the LMAPC meeting. Bigham said yes.

Mayor Marley asked what a professional office zoning would do as far as opening the beauty shop. Bigham said the reason C-1 was requested was for operation of a retail beauty shop and C-1 is the most restrictive category that a beauty shop can go in; professional office district only permits business and professional office and does not allow a beauty shop.

Purcell asked if Lots 16 and 17 are currently zoned C-1. Bigham said Lots 15, 16 and 17 are zoned C-1. Purcell asked if Lots 19 and 20 are zoned R-1. Bigham said yes, but an application is pending on Lot 20 for a professional office district zoning.

Shanklin said over the ten years that these requests have been coming before Council, every applicant has said he would put up a barricade to separate the people to the east, and that has not been done on one piece of property where the applicant appeared before Council and said he had no problem doing that. He asked if the fencing would be done. Bigham said that is a specific code requirement for screening between C-1 and R-1 and is in process.

Shanklin said people own these homes and intend to live there, and understand there will be a zoning change from R-1 to some type of commercial, but it would be palatable to them to go to the professional office. He said the lot to the north is professional office, and that Mr. Dismuke uses the alley, which he really should not be allowed to do; it was set up when it was passed that they would not go into that alley. Shanklin said speed barriers may be needed or a barricade across one end where the alley could be accessible only by the utility companies to stop that type of vehicular traffic. He asked that the residents be kept in mind when acting on this item.

Beller said he looked at the alley and sat in the Sheridan Bank parking lot for an hour and a half observing traffic; the sign that says one way is set south of the Dismuke entry way about 20 feet, obviously to give access at the rear of their location. He said he saw no one speeding, and it is easy to allege these things but if a study were made, we would likely find that the speeding is not there, or at least he could not find it.

Beller said a beauty salon cannot be put in a professional office classification and asked why Council would deny the use of this lot when adjacent to it is a C-1 classification. He said Sheridan Road is a thoroughfare which should be commercial from one end to the other. Beller said once you get past the first row of houses to the east, the noise does not carry back into the neighborhood. He said he understood the concern to keep the neighborhood serene, but that Sheridan Road is a commercial area. Beller said Dismukes property is C-1 and it has not ruined the neighborhood. Shanklin said it has not helped it.

Williams said the LMAPC minutes contain a statement where the Riches did not advocate using the alley and that the parking would be accessible only from Sheridan Road. He said if the idea is to have the building on the rear of the lot and to park in front, he would not know what the use of the alley would be.

Purcell said at some point a decision would have to be made that all the lots on the east side fronting Sheridan Road would be commercial. He said it may be delayed but would eventually happen. Purcell said most of the concern appears to be with the alley and if access to the commercial businesses from that alley could be cut off perhaps that could be considered, or more enforcement.

Shanklin asked Council to consider the feeling of the residents who know this will go but that professional offices would be more agreeable.

PUBLIC HEARING OPENED.

James Cobb, 2117 NW Columbia, said he and his wife selected the neighborhood because of the beauty and because it is dynamic with a good mixture of retired people, established families who have spent the money, time and effort to remodel and upgrade the homes and do beautiful landscaping. He said many like himself are moving in, beginning to remodel, and rejuvenate the neighborhood, so it is not a dead or dying neighborhood. Cobb said he was concerned that what is set here will be a precedent for the future.

Cobb said the petition was not turned in until a few days ago; they are first time home owners and just now learning the rules to the game, and that was one of the things they learned as they went along. He said a residential neighborhood is designed to be a safe haven, a quiet place where the kids can play and parents can relax after a busy day of making money for their families. Cobb said one of the major things that is important to a neighborhood is peace and quiet and an absence of traffic. He said they live very close to Sheridan Road, which is absolutely saturated. Cobb said even though the lot is around the corner and facing away from the neighborhood, it will increase the amount of traffic the residents must deal with. He said the more businesses that go in along the alley way, the more dangerous it becomes for his children, and if his five children cannot step outside their back yard into the alley way and go one-half block down to the City park, that is a shame.

Cobb said at the corner of Columbia and Sheridan, there is wave after wave of traffic. This lot is one-half block from a controlled intersection, and many times cars cover the entrance to this lot, and traffic is an important issue. Cobb said cars come on Morford through the neighborhood from both Gore and Sheridan, and his children must be chaperoned while riding bikes because it is dangerous. He said some businesses promote more traffic than others, and they would like to see something built on the lot, but would like to be able to control what goes there in the future. Cobb said Mr. Dismuke promised he would not use the alley but a year later, he did what was convenient, and the alley is being used. He said he could not allow promises to be made, but had to go by the statutes and ordinances, and professional office seems to be the type of zoning which would be most conducive to the neighborhood.

Cobb said businesses, by nature, generate noise and traffic. He said when people go home in the evenings, they want to get away from that. Cobb said if he would have wanted to live in that type of setting, they would have rented an apartment instead of going to the expense to purchase and remodel a house. He said many small businesses look terrible, and that is important to the neighborhood; professional office encourages landscaping and encourages those businesses which have much less traffic than retail stores and many other things that are allowed by C-1 commercial. Cobb said he is worried about subsequent owners and what can be placed on a lot that is zoned C-1, and there is a long list of things that can go in, and a longer list available upon approval by Council. He said if Council desires to consider rezoning, he would request that it be professional and office for the good of the neighborhood and the community.

Steve and Tracy Rich, applicants, spoke. Tracy Rich apologized for causing the stir. She said they wanted to build a beautiful building and were not talking about a strip mall or a massage parlor, and agreed that this is a beautiful area. Rich said they had looked for a house in this area but none are for sale. She said this will not be a late night business and will not be staying open until 9 p.m. Rich said their building will set toward the back of the lot and they would not use the alley. She said she understood promises had been made, but with their building at the back of the lot, there is no way they could park in the back. She said the commercial zoning is required due to the type of business she wanted to put in.

Rich said she wanted to have an upper class salon that everyone could be proud of and that the building would be an asset to the community. She said she did not want to put anyone's children in danger or cause more confusion for the residents, and did not feel that they would. Rich requested approval of the commercial zoning.

D.L. Wigington, 2121 Dearborn, said he had lived at this address for 46 years and had always been progressive about development in the community, having served for five years on the industrial committee, and five or six years on the roads or highway committees that had the roads and freeways built around Lawton. He read from his property title, last paragraph, "these covenants and restrictions and reservations are to run with the property and shall be binding on all parties and persons claiming under them until 1973, at which time they shall be automatically extended for the successive periods of ten years by a vote of the majority of the owners, and the lots in this, it is agreed to change said covenants and restrictions in whole or part, the majority of those property owners in Morford Addition."

Wigington said he had a simple way of expressing this, you cannot have just a little crack in a door, and you cannot be a little bit pregnant.

Jackie Reeves, 2111 NW Dearborn, said she is without of the 300 feet area, and was sure the Riches would build a beautiful building, but that she hated to see something started on that side of Sheridan Road in a commercial way because it will be opened up for others. She said they do have a lot of traffic overflow and in the seven years she had lived in her house, there had been more and more families moving in with children. Reeves said the park is full of children coming and going all the time and it flows between Dearborn and Columbia. She said she would hate to see any increase in traffic in the area.

Elizabeth Cobb, 2117 NW Columbia, said she agreed with comments previously made by the residents. She said beauty shops use chemicals and such items may be placed in the dumpster in the alley where children walk to Tomlinson Junior High, and asked what would be done to prevent children from getting into that kind of stuff. Cobb said she was concerned about the traffic and that there are many other locations in Lawton where a beauty shop could be placed. She said they could live with a professional office building, and the landscaping requirements are greater and it would fit better with their area. Cobb said the Planning Commission invented the P-O zoning just for their neighborhood, or neighborhoods such as theirs; it is not like Gore, which has alleys directly behind the houses, a big alley to separate those houses from the rest of the residents. She said that is not the case in their area, there is no big alley separating them and they are directly linked to those businesses. Cobb said they believed the plat restrictions that said this would stay residential would have been honored.

Steve Boyce, 2114 NW Columbia, said he wished the Riches success with the beauty shop but wished they would locate it somewhere else. He said Purcell used the word "commercial" in describing the property, and in the zoning, there is a difference between commercial and professional office, and the residents request professional office and not commercial.

Boyce said Beller used the phrase "proper use"; and the proper use is a house since it is zoned R-1 right now. He said they had spoken at length about whether there would be a barrier or fence in the alley way, and that is deep concern of the neighborhood because January 9, 1996, in this Chambers, when the rezoning request came forward on 305 NW Sheridan, just two blocks south of this, the Council stated some things to the homeowners of Morford Addition that have not happened, one of which was there would be a fence between the property at 305 N Sheridan and the alley way and the homes. Boyce said the homeowners in this situation must be concerned due to that, as well as the current alley access for the businesses. He said the property at 305 N Sheridan is less than two acres and does not fall within the guidelines of rain

runoff, but it was stated at the meeting that there would be no additional runoff of water from that property. Boyce said Mr. Singleton built a beautiful building, however, it has a flat roof, pitched slightly to the back with a nicely designed guttering system that drains all the water into the alley and into the homes and yards of the neighborhood.

Boyce said you can imagine what it is like standing here as a citizen asking for some defense that this does not happen again, and why did it happen the first time, why was the water allowed to run when, to the best of his knowledge, that should not have happened. He asked why the fence was not up on the property. Boyce said this does not sound exactly fair to Steve and Tracy Rich, and that most would think Sheridan Road should be commercial, but should it. Boyce said a request is coming to rezone the property at the corner of Columbia and Sheridan for professional and office for an attorneys office. He said he spoke with Bigham and found that C-1 is the most restrictive zoning, and that is true if you are talking commercial, but not for total zoning, and R-1 would be the most restrictive for that.

Boyce said he did not want to stop progress, but the Red Scissors Beauty Salon is almost directly across the street; slightly to the south is Montgomery Wards which has a beauty salon; just north and east is the Vaska Theater which has a beauty salon; on Gore, there are more. He said he found it difficult to believe that the neighborhood needed another beauty salon.

Boyce said the maps show several parks in the area. He said many families in the area have young children and that many houses are undergoing renovation. Boyce said the property at Columbia and Sheridan is being requested for professional and office zoning and suggested the entire block from the bank to that location be zoned professional and office, and leave the insurance agent with the C-1 zoning he has. He said he did not want a beauty shop on this lot nor did he want it to be zoned C-1, and there is other property they could move to. Boyce requested the property be zoned professional and office instead of C-1 so it would tie into the neighborhood a little better.

Charles Singleton said he helped Tracy and Steve Rich with the rezoning packet. He said this land has been vacant for many years and that no one would build a residential home on the lot. Singleton said he checked with the owner of the property adjacent to this to the south, Dr. Bob Morford, who will leave his land R-1 so there will not be a change on that property. He said C-1 is the appropriate zoning for this, and that as an appraiser, he could say that for sure.

Singleton said he owns 305 N Sheridan Road and the building is not complete in the rear, some concrete work remains to be done, and the fence is not up. He said directly behind the alley of the property he bought, there are 12-15 foot cedar trees and a chain link fence. Singleton said as far as the drainage, there will not be a problem when it is finished.

Shanklin asked how that water would be drained toward Sheridan Road. Singleton said the parking lot drains to the west to Sheridan; on the back, there is a channel down the other lot that runs north and south and that is where the water will go. Singleton said the water from the west part of the alley goes that way and goes out the same place. Singleton said the utility people had done some things and that he had taken his box blade out there the other day and did some work, but it was supposed to have been done three weeks ago but he could not get the workers out there. Shanklin said the problem is that there is not an easement, but that is someones property that the swale is being cut into. Mayor Marley said he understood the problem, but the discussion on the rezoning needed to continue. Singleton said there is a ten foot easement across the back of his property.

Ben Shelton, Lot 5, 2110 NW Columbia, said he has professional and office behind him and is satisfied and it will support the neighborhood. He said the biggest concern with C-1 is that many small businesses do not survive and that opens up what will go in there. Shelton said he had not had much luck with the professional building behind him; his lot has been flooded since they moved in and it never flooded the two years prior to that. Shelton said when the utility people came through, they graded everything across his fencing and it took him two hours to undo it so his lot would clear; two foot holes were left where the lines had gone, they were covered lightly and he had to fill his own holes in. He said he nor the garbage trucks could not get through the alley, and this is what is happening to our community with this great development that is going on.

Shelton said he was concerned that the proper development go in, properly supervised. He said they called the City and were told that until it is all done, we do not do anything. Shelton asked what kind of response that was when you cannot even get your garbage truck down the alley. He suggested the City consider this is residential with nice homes and nice families taking care of their areas. Shelton said he was concerned with what goes in on Sheridan Road because he lives along Columbia and there is a lot of traffic that goes down Columbia to get into those businesses, and there is speeding. He said the type of business that reduces that will be to the advantage of the residents and that he would support the professional and office district.

No one else appeared to speak. PUBLIC HEARING RECESSED.

Beller said there is an alley separating this property from the residential property to the rear. He said he did not know why children would walk down an alley to get to a park and that for their safety, they should go out the other way, and the park is not to the rear of the homes. Beller said the adjacent property is C-1, and the adjoining property is owned by the person whose family developed Morford Addition.

MOVED by Beller, SECOND by Maples, to approve Ordinance No. 97-16, waive reading of the ordinance, read the title only.

Shanklin said the park is separated by an alley and the kids that live on Columbia can go across the alley to the Dearborn side. He said that is the alley we are talking about. Shanklin said water is being shedded from 305 and that was not the

intent, and that he was sure the fence would be put up, but it is a quagmire back there right now between Bell and Columbia in the alley. He said the residents want the professional office zoning.

SUBSTITUTE MOTION by Shanklin, to zone this property in question for P-O, professional and office district. Substitute motion died for lack of second.

Purcell said to correct the record, Mr. Boyce called him last night after which he read all the minutes provided for the 9 January meeting, and it was not the Council who spoke of a fence, but one member. He said there was a verbatim quote of insisting the fence be up.

(Title read by Clerk) ORDINANCE NO. 97-16

AN ORDINANCE AMENDING THE 2020 LAND USE PLAN AND CHANGING THE ZONING CLASSIFICATION OF THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION TWO (2) HEREOF FROM THE EXISTING CLASSIFICATION OF R-1 (SINGLE FAMILY DWELLING DISTRICT) TO C-1 (LOCAL COMMERCIAL DISTRICT) ZONING CLASSIFICATION; AUTHORIZING CHANGES TO BE MADE IN THE 2020 LAND USE PLAN AND UPON THE OFFICIAL ZONING MAP IN ACCORDANCE WITH THIS ORDINANCE.

VOTE ON MOTION: AYE: Green, Warren, Maples, Williams, Dutcher, Purcell, Beller. NAY: Shanklin. MOTION CARRIED.

PUBLIC HEARING CLOSED.

Mayor Marley asked that Item 7 be considered at this time.

7. Consider amending the Cooperation Agreement between the City and Lawton Housing Authority to reduce the annual payment in lieu of taxes. EXHIBITS: LETTER DATED MARCH 20, 1997 FROM LAWTON HOUSING AUTHORITY; MEMORANDUM DATED FEBRUARY 20, 1997, FROM CITY ATTORNEY.

Schumpert said a request was received from the Lawton Housing Authority; State law requires that local housing authorities make annual payments in lieu of taxes based on an agreement between the authority and the local government. He said the City Attorneys research indicates that the City Council approved the agreement requiring the payment based on a percentage of the rental income. Schumpert said amounts of payments for 1996, 1995 and 1994 had been provided. Request from the Authority is to eliminate any payment, and recommended action from staff, based on the revenue situation, is to disapprove and continue to receive the pilot payments.

Shanklin asked what the City wanted to take from the Authority and why. Schumpert said staff position is that each year the City has received approximately \$8,000 as a payment in lieu of taxes, and the net effect is to reduce the City's revenue sources by that amount and State law requires the payment, which has been made since the Authority has been in existence. Shanklin said the Housing Authority is having a tough time and it is taking money from one pocket and putting it in another.

Purcell said he understood the City's 1997 budget anticipated revenue of \$8,000 from this source, and if it is not paid, it would remain with the Housing Authority for their purposes. He said the Authority and City are separate entities but perhaps the charge could be \$1 or a nominal amount to comply with the law. Schumpert said the Lawton Housing Authority does not get any money from the City, so this is not taking it from the right pocket and putting it in the left pocket, it is taking it from the left pocket and putting it in somebody else's pocket.

Cruz said State law requires housing authorities to pay a percentage to the City and the school district, and as long as they pay something, they will meet the State requirement. He said the Authority asked that the payment be waived completely and his response is that it cannot be completely waived, but it can be reduced.

Beller suggested the school district provide the same consideration as the City is being asked to provide.

Rita Love, Executive Director of the Lawton Housing Authority, said over the last two years, she and the Board have tried to run the Housing Authority like a business instead of a government entity, and live within their means. She said difficult decisions had been made to address all expenditures and tried to look for resources for income, and it was HUD's recommendation that the Authority request a waiver on this payment. Love said the Cooperation Agreement that required this was done in 1965 and it has remained that way since. Projected amount of this year's pilot payment is \$13,990, of which the City's part would be \$6,455. She said the Council determines how much is to be paid by the Housing Authority and 50% of that amount goes to the City and 50% would go to the school district, so whatever amount the City approves will be split between the City and the school district.

Beller asked if the school district had been contacted. Love said she sent the same letter to the school district, but the amount is based on what the City Council approves as payment. Purcell said the Council did not need permission from the school district, and loss of \$6,000 would likely not severely hurt either entity.

MOVED by Green, SECOND by Shanklin, to amend the cooperation agreement with the Lawton Housing Authority and to eliminate the amount and to set it as \$10 for payment, and authorize execution. AYE: Warren, Maples, Williams, Purcell, Shanklin, Beller, Green. NAY: None. OUT: Dutcher. MOTION CARRIED.

4. Hold a public hearing and consider approving an ordinance changing the zoning from A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District) zoning classification located approximately at 3801 SW Bishop Road. EXHIBITS: ORDINANCE NO. 97-17; LOCATION MAP; LMAPC MINUTES OF MARCH 12, 1997.

Bigham said this is an administrative rezoning to rezone Part 1 of Rolling Hills subdivision from agricultural to R-1 single family which is the current use. He said 70 property owners were notified; on March 12 LMAPC held a public hearing and one person appeared with questions but did not oppose the request. LMAPC recommends approval of the change of zoning.

PUBLIC HEARING OPENED. No one appeared to speak.
PUBLIC HEARING RECESSED.

MOVED by Dutcher, SECOND by Maples, to approve Ordinance No. 97-17, waive reading of the ordinance, reading the title only.

(Clerk read Title) ORDINANCE NO. 97-17

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION ONE (1) HEREOF FROM THE EXISTING CLASSIFICATION OF A-1 (GENERAL AGRICULTURAL DISTRICT) TO R-1 (SINGLE FAMILY DWELLING DISTRICT) ZONING CLASSIFICATION; AUTHORIZING CHANGES TO BE MADE UPON THE OFFICIAL ZONING MAP IN ACCORDANCE WITH THIS ORDINANCE.

VOTE ON MOTION: AYE: Maples, Williams, Dutcher, Shanklin, Beller, Green, Warren. NAY: None. OUT: Purcell. MOTION CARRIED.

5. Hold a public hearing and adopt a resolution declaring the structures at 1010 SW Monroe Avenue to be dilapidated and detrimental to the health and safety of the community, and authorize expenditure of City Council Contingency Funds, if necessary, to demolish these structures. EXHIBITS: RESOLUTION NO. 97-39.

Dan Tucker, Building Development Director, presented a video showing the property containing a main structure and two separate rental units to the rear. He said owner is the estate of Jimmy Cann, deceased; there are no unreleased mortgages. Structures are vacant and open to entry; interior has sustained structural damage and vandalism. Those listed in the estate as having an interest were notified and no response was received.

Shanklin asked if CDBG funds are used, would they be returned eventually. Tucker said there is no CDBG funds remaining and the recommended funding source is Council Contingency. Tucker said the rules would be the same where the City would be reimbursed at the end of it, but it does take a while.

Beller asked the approximate cost for this. Tucker said the track record is \$1,000 to \$2,000, but the exact cost for this is not known. Dutcher asked the balance of the Council Contingency and Schumpert said approximately \$109,000.

PUBLIC HEARING OPENED. No one appeared to speak.
PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Green, to provide the funding to demolish the structures at 1010 Monroe from the Contingency Fund, with provision that we will pursue those funds when an heir is identified and the property is sold or transferred, and adopt Resolution No. 97-39. AYE: Williams, Dutcher, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-39

A RESOLUTION DETERMINING CERTAIN STRUCTURES TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THE DESTRUCTION AND REMOVAL OF SAID DILAPIDATED STRUCTURES.

6. Hold a public hearing and adopt a resolution declaring the main structure at 808 SW E Avenue to be dilapidated and detrimental to the health and safety of the community, and authorize expenditure of City Council Contingency Funds, if necessary, to demolish this structure. EXHIBITS: RESOLUTION NO. 97-40.

Tucker presented a video of the structure showing a large, two story, dilapidated structure which is open at this time. Structure has been vandalized on the interior; exterior and roof are in poor shape. Property owner has told staff she intends to demolish and remove the structure. Video showed where an upstairs toilet had fallen through a weakened floor.

Tucker said the resolution allows the property owner 15 days to come in and obtain a demolition permit; once the permit is obtained, the owner would have 90 days in which to complete the work. The resolution provides that if the property owner fails to obtain the permit, the staff can go out on contract and bid the work done.

PUBLIC HEARING OPENED.

Steve Newcombe, attorney representing Chung Graham, owner, said Ms. Graham recently tore down the structure next to

this house and will make arrangements to tear this house down. He said they will need about 90 days to do so because the person who is tearing the structures down is salvaging some of the materials as he is demolishing the house. Newcombe said he believed they could get the house demolished and hauled off within 90 days.

No one else appeared to speak. PUBLIC HEARING RECESSED.

MOVED by Shanklin, SECOND by Dutcher, to pass Resolution No. 97-40 giving him two weeks to get the demolition permit, and the demolition permit allows 90 days to demolish said structure.

Purcell asked if the house at 812 E belongs to this person also and Newcombe said yes. Purcell asked if anything is being done on that structure and Tucker said they are working with Ms. Graham on that. Purcell asked if Ms. Graham owns the property at the corner of 8th and E and response was yes, and she boards it up as best she can but people keep breaking into it and opening it.

VOTE ON MOTION: AYE: Dutcher, Purcell, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

PUBLIC HEARING CLOSED.

(Title only) RESOLUTION NO. 97-40

A RESOLUTION DETERMINING A CERTAIN MAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THE DESTRUCTION AND REMOVAL OF SAID DILAPIDATED STRUCTURES.

14. Discuss the City's response to the proposed Family Entertainment Center at Fort Sill and take appropriate action. EXHIBITS: DRAFT LETTER TO FORT SILL.

Mayor Marley said COL Herb Brown is present if there are questions. Williams asked if more information had been received.

COL Herb Brown, Deputy Garrison Commander at Fort Sill, said he was willing to answer questions and did not know what further information was desired.

Beller asked if funding would be from the Morale and Welfare Fund. COL Brown said they attempted to get funding from that source, although it was not available and they are \$190 million in arrears in terms of other projects currently requesting funding.

Beller said when it was first mentioned, it seemed like an excellent idea to build something for the young soldiers on the training schedules to be kept busy. He said he did not see how the City could have any real objections to something being built on the post that would benefit the troops. Beller said he would encourage the troops to come to town and that the City was certainly interested in the sales tax revenue; he asked if this is geared toward the trainees who are not allowed to leave the base. COL Brown said that is part of the market and there are 2,500 to 3,000 trainees who are not allowed to leave the installation for the first eight weeks they are there, but the soldiers who asked for this were members of a group called Better Opportunities for Single Soldiers Council, which are permanent party soldiers stationed at Fort Sill, so this is for them also, and the families would also want to use the facility.

Beller said concern was expressed by local business persons but competition is the name of the game, and this would not compete with them because the primary purpose of this would be to serve the military that are on the Fort Sill reservation. He said he would think the City would support that.

Purcell said there has been a lot of misinformation put out on this about taxes and subsidies. He said there will be no City taxes on this, but there will be State taxes if a third party contractor operates this. Purcell said there is nothing to preclude any local businesses from bidding on this, so they may compete with each other in that regard. He said he would support this and that it would be a good thing for the soldiers. Purcell said he felt there could be some loss of tax dollars, but likely not a great amount.

Williams asked if civilians could use the facility. COL Brown said at this point in the planning it would be for authorized users, ID card holders, but if that were approached by the City, there could be a discussion of that issue. COL Brown said the intent in sending the letter to the Mayor and to the Chamber of Commerce is to maintain a dialogue through the planning process, and if any such issues came up, they would come back to receive comment or support.

Williams asked if feed back had been received from the local chamber of commerce. COL Brown said not at this point, that he had presented a briefing on the plan, and it is still under advisement by that body which has not yet responded.

MOVED by Maples, SECOND by Beller, to pass a letter to support the Family Entertainment Center at Fort Sill.

Williams said he could not go along with this without additional information. Mayor Marley said the letter went to the Chamber also and Fort Sill is required to get comments from the City and the Chamber, and obviously the Chamber will have the concerns of the retailers who support the Chamber. Mayor Marley said the City is to respond from the point of view of the local government, and the Chamber would take the position of whatever their retail merchants would want

them to take.

VOTE ON MOTION: AYE: Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: Williams, Dutcher. MOTION CARRIED.

8. Consider requests from ZOE Christian Center Church for the purchase of City owned properties in the Lawton View area for the purpose of construction of a new church.

EXHIBITS: LETTERS OF REQUEST.

Schumpert said Pastor Sam Moyd, ZOE Church, has submitted a letter showing an interest in purchasing one of two properties, offering the sum of \$30,000 for approximately three acres. Block 108, Lawton View Addition, is 2.9 acres, and the pastor can speak to which of the two he would prefer. Schumpert said staff recommendation is that if the property is sold, that a current appraised price be obtained.

Cruz said an appraiser would be required to determine a value, and the cost for that could be paid by ZOE or the City, with it to be included as part of the purchase price. Beller asked if this comes under the \$50,000 value where a vote of the people is required to sell the property. Cruz said this was part of the properties acquired through the urban renewal process, and it is now in the City's name; if it is valued at more than \$50,000, the Council can adopt a non-emergency ordinance which stays on the table for 30 days and if there is no petition to refer it for a vote, then the sale can go through.

Beller asked if zoning would be such that only a church could be built on this property. Bigham said the tract on 11th Street is zoned I-1, and a church is permitted in that zone; the other tract is zoned R-3, and a church is also permitted in that zone.

Shanklin said it takes a while to develop three acres, as well as money. He asked if the Christian Center would be able to sell part of the property to someone else for another use. Cruz said this will fall under the urban renewal redevelopment agreement, and there will be a contract where the property would be sold to them for a purpose and they have a time certain in which to develop; if they do not complete this within the time specified, if not extended, the City could take action to revert the title.

Beller asked if the 2.9 acres would come under the pre equals post as far as drainage. Bigham said yes. Beller asked the pastor if he was aware that they would be required to construct a pond on the property. Pastor Moyd said he had not planned to build a pond. Beller said there was no choice and he wanted to be sure they understood the requirement. Schumpert said retention is required; water cannot be released at any greater rate than is currently released but it would not necessarily mean they would have to have a pond, there could be 12" or 18" curbs or whatever and it would depend on what is submitted and approved by the engineers. Beller said he was trying to draw their attention to the fact that there is a requirement. Schumpert said retention would be required on either tract.

Williams asked which property the pastor would prefer. Pastor Moyd said their first choice is the property from Tennessee to Texas on 11th Street because on the other site, there is another church almost right across the street which has congestion and a parking problem and they did not want to add to that.

Green asked if an appraisal is required and Williams said not necessarily. Schumpert asked if an appraisal came back at \$55,000, would the Council have the authority to sell it for \$30,000. Cruz said Council may sell it for less than the appraised value due to the origin of the property; it was purchased for commercial redevelopment and elimination of blight and slums, and under the urban renewal law, yes, it can. Cruz said if Council agrees it should be sold for \$30,000, an appraisal will not be necessary, and an ordinance would not be needed in that case.

Pastor Moyd said he had blue prints if Council wanted to see them. He said the property has been vacant since 1967 or 1968 and the City has not been receiving any revenue from the land. Pastor Moyd said this would be a community project which would benefit his church as well as the City. He said they would pay \$30,000 for the property and conduct their operation of ministering to lives in that community.

Frank Pondrom, Director of Housing and Community Development, said a redevelopment contract would be returned and ZOE would put up a good faith deposit. He said the action tonight would be to designate which site would be acceptable. Pondrom said the property on 11th Street is more valuable for commercial use; staff recommendation is for the property on 14th Street because it is oriented toward the neighborhood. Shanklin asked if there was anything wrong with selling them the property on 11th Street and Pondrom said either location would be acceptable.

Williams said it does not matter if there is an appraisal, they are willing to offer \$30,000, they will have to put in the drainage, and there will be revenue from having a building on the vacant property. He said the group will minister to people and both sides would benefit. Williams said there are many, many churches on 14th Street in a six or seven block area.

MOVED by Green, SECOND by Williams, to direct staff to prepare documents necessary for ZOE Christian Center on the site two plan for Tennessee Avenue to Texas Avenue from 11th to 12th, and accept the amount that they have already established, \$30,000 regardless of the current appraisal value. AYE: Beller, Green, Warren, Maples, Williams, Dutcher, Purcell. NAY: Shanklin. MOTION CARRIED.

9. Receive request from United Social Action, Inc., and accept master plan and cost estimate for the renovation of

Dunbar School. EXHIBITS: COST ESTIMATE; MASTER PLAN.

Schumpert said part of the CDBG funding for this year included money for Dunbar School; United Social Action, Inc. has received the school and none of the property belongs to the City, the City's total involvement has been through the CDBG funding. He said part of the funding was based on them bringing back a master plan showing how the funds would be spent; USA submitted development costs and indication from two agencies that they would like to locate in that facility. Preliminary figure is \$1.2 million for the renovation. Action at this point is to receive the report.

Green said Council had agreed for this group to receive \$60,000 if they would bring back a master plan and cost estimate on Dunbar. She said the group has got the information together and asked that Council receive and accept the report, and that the group had worked very hard on this project.

MOVED by Green, SECOND by Beller, to accept the report.

Purcell said the background shows one figure but the report shows another. Pondrom said there are two different figures, and one is from the preliminary report from Mr. Wright and the other is the one prepared by staff which included contingency amounts for architects and engineers. Purcell asked if Council is accepting the report with the figure of \$1,189,950, as opposed to the number in the agenda item.

Mr. Wright offered to give a presentation showing drawings of the proposed improvements. He said they are not talking about just the building but a one block project which includes the building, basketball and tennis courts, a playground and gazebo. Mayor Marley said the charts had been reproduced in the agenda folder.

VOTE ON MOTION: AYE: Beller, Green, Warren, Maples, Williams, Dutcher, Purcell, Shanklin. NAY: None. MOTION CARRIED.

10. Consider authorizing expenditure of \$60,000 for renovation of the roof of the Dunbar School. EXHIBITS: NONE.

Schumpert said the initiator is the Director of Housing and Community Development; however, it is linked to the previous item on the master plan by United Social Action, which requests the use of the \$60,000 to repair the Dunbar School roof. He said the amount is not to repair the entire roof, but that portion which is damaged. Schumpert said staff recommendation is to not do that but look at developing a listing of services desired and room space requirements. He said \$1.2 million is a significant figure and some of the entities are being fitted in based on the space available as opposed to determining what space they need or what other agencies might be interested if this facility were available. Schumpert said if staff had an opportunity to look at the structure, a much better recommendation could be given.

Williams asked if the City will be spending any money on this, aside from CDBG funds or other grants. Schumpert said until this time, the only involvement the City has had with the project is the commitment of CDBG funds; if the roof is renovated, \$60,000 will be spent which has already been identified through CDBG. He said the next step, as shown in the next agenda item, would be to ask for a loan and an economic initiative grant, and at that point in time, the City becomes committed to expenditure of funds.

Schumpert said if everything works well over the life of the loans, there would not be exposure; however, the entity that is on the line to repay the loans at that time is the City and the City does then become fiscally involved in the project.

Wright said the \$60,000 does include the entire roof of the whole building. He said preliminary structural investigations were done on the whole structure and it is their feeling that the main structure is in excellent structural shape, but the longer it is open, the more ill effects there will be on the building. Wright said one of the reasons they separated out the "historical wing" was that in the opinion of the structural engineer, that is where more money per square foot would have to be spent than on the main structure, but this does include roofing that portion also. He said these are not just estimates but that contractors have already come in and bid on it, but it does include the entire roof system.

Purcell said in the report Council just accepted, it shows the roof system and insulation as \$50,000, and asked whether it was \$50,000 or \$60,000. Wright said his estimate was \$50,000 and that he did not know where the \$60,000 came from.

Mayor Marley said he assumed the Council had pre-authorized \$60,000 based on them submitting a plan that was acceptable. He said he did not hear a requirement to determine how they would use the \$60,000. Mayor Marley said the plan has been accepted and it seems logical to approve the \$60,000 and allow them to spend it as they see fit.

Beller said he felt it should be used for the roof because that was a very important part. Wright said they had been trying to get the money for some time and would have liked to have had a roof on there before last winter; many citizens have volunteered, cleaned up the building, secured it but others unsecured it. Wright said when he was hired to do this, he was presented a list of things they had to fulfill in order to get the funds that had been allocated and those things had been done.

MOVED by Beller, SECOND by Green, to approve the \$60,000 for the roof.

Shanklin said he did not agree and asked if this was from a historical perspective or if it was something that would be remodeled. He said the building is out by itself and there is already a nice facility on S 11th Street, and that he did not see

spending this much money or how this could be successful. Beller said he understood that a previous Council had allocated the \$60,000. Green said the previous Council stated that they needed to return with a master plan showing actual costs. Shanklin asked why you would spend \$60,000 if you do not know where you will get the rest of the money to do the renovation.

Rev. Wesley Woodard, pastor of the St. James Missionary Baptist Church, 1619 Pennsylvania, and resides at 1601 SW Pennsylvania, and has been there since August. He said immediately upon his arrival in Lawton he latched on to the Dunbar Project and became a board member. Woodard said it is not sitting out there alone and there are 30 youth in his church, and the church supports the use of the building for the economic purposes of the community. He said there are youth in the churches trying to develop an ebonic language or something to latch on to, and the community center will be something they can latch on to culturally, as well as historically, that has some deep emotional ties and not just a building sitting out next to an airport. Woodard asked that Council consider those emotional values to the community and to those minorities of various types who will use the facility to re-educate them and train them to become useful citizens and provide an income and place taxes back in the community. He said at this point they are only asking Council to approve what they had previously stated they would do so that they might show that they have the ability and are unified in an effort to show they can build the building.

MOVED by Green, SECOND by Purcell, that \$50,000 be granted, as shown in the developers estimate, for the roof, and that the other \$10,000 be used for other minor repairs that are needed, such as broken windows, at the Dunbar Center, and ask that they also cooperate with staff and bring in their specs and their bid documentation and construction management for the renovation of the roof and the minor infractions for the \$10,000.

Shanklin asked where they intended to get the final funding for this project and response was that it is shown in the next item. Shanklin said he thought staff would tell you that they could pick out a better spot at a lesser cost that would be more centrally located and Schumpert agreed. Schumpert said when we originally talked about using CDBG funds for this project, there was an indication that the funds needed for renovation would be raised from other sources, which were not identified; now what we have is approximately \$1.2 million needed and the City is being asked to commit to a structure which does not now nor has it ever belonged to the City. Schumpert said this is to spend \$60,000 on a structure that will require \$1.2 million, and maybe more when an architect or engineer looks at it. Schumpert said his reluctance is spending \$50,000 or \$60,000 and then spending \$1.2 million, and if you combine the two, you could build a fairly nice, brand new facility which might better meet the needs of the agencies or entities which intend to use the community center.

Mayor Marley said the City said they would do this provided the group provided certain items, which they have done, and it is incumbent on the City to honor its previous statements in good faith.

VOTE ON MOTION: AYE: Green, Warren, Maples, Williams, Dutcher, Purcell, Beller. NAY: Shanklin. MOTION CARRIED.

11. Consider applying to the Department of Housing and Urban Development for a Section 108 Loan and an Economic Initiative Grant for the renovation of Dunbar School, and setting a public hearing date to receive citizen input on the application. EXHIBITS: NONE.

Pondrom said presentation of the master plan was delayed because they found that \$1.2 million was needed, and a solution had to be found for that situation. He said the proposal was to apply for a Section 108 loan which is predicated upon an income stream through tenants that will pay back the loan; if it does not get paid back, the payments will be deducted from the CDBG funding.

Pondrom said the other part is an economic development initiative grant to pick up what the other did not cover; however, there is no funding in this program. He said other sources would be sought, working with the congressional delegation and foundations, to try to come up with funding. Pondrom said Congress did not appropriate any funds this year for the economic development initiatives, although it may be granted next year and the City may still want to apply to HUD for a Section 108 loan and explain the dilemma on this project. He said HUD provides discretionary funds for many other things and they may be able to assist in funding the entire project.

Williams asked if the City had to apply for the Section 108 and Pondrom said the City must be the applicant.

Maples asked if the payments are not made, would the City be in default and have to pay the loan off. Pondrom said if it is set up as an approximately \$400,000 loan to renovate part of the building, the tenants would move in and start making rental payments; the Great Plains Improvement Foundation has agreed to make payments, as has the Marie Detty Youth. Pondrom said if those payments are not made, the money would be taken annually from the top of the community development block grant, which would be about \$40,000 per year over the life of it. Maples said she did not mind helping, but would not favor funding for the entire endeavor in this manner. She said Marie Detty and other places may contract to lease space, but their budget is based upon their ability to obtain federal grants and if those are lost, they will not be able to lease the space.

Williams said his concern was if the agencies understand this is for a 20 year term and that they may end up subleasing or some arrangement. Pondrom said these two groups would act as any tenant, and there are negotiations to be done. Williams asked if United Social Action would have sufficient space for its needs, after space is leased to Marie Detty and Great Plains. Rev. Woodard said yes; the programs planned can be done in conjunction with what the other tenants will be

doing. Woodard said the after school and training programs are being done in the evening in other locations, so they can merge with the tenants to perform the services. Space is allocated for United Social Action in the plans.

Purcell said he did not feel there was adequate information to make a decision and suggested it be tabled. He said he did not know how you could commit Marie Detty to be in the building for 20 years.

MOVED by Purcell, SECOND by Shanklin, to table this until we get further information in order to make some kind of decision.

Green asked if letters of intent had been received. Woodard said letters have been received from Marie Detty and the Great Plains Improvement Foundation. Mayor Marley called for a vote on the motion to table.

VOTE ON MOTION: AYE: Warren, Maples, Williams, Dutcher, Purcell, Shanklin, Beller. NAY: Green. MOTION CARRIED.

Williams said this is a table and not a "no" but simply means that more information is needed because it is a large amount of money.

Council recessed at 8:20 p.m. and reconvened at 8:30 p.m. with roll call reflecting all members present.

12. Consider authorizing the Floodplain Administrator to execute on behalf of the community an application to the Federal Emergency Management Agency (FEMA) for a Conditional Letter of Map Revision (CLOMR) for Wrattton Creek Tributary located in the proposed Heritage Hills Addition, Part 2. EXHIBITS: MEMORANDUM FROM ENGINEERING DATED MARCH 27, 1997; LETTER OF TRANSMITTAL DATED FEBRUARY 19, 1997; PUBLIC NOTICE.

Beller said he was concerned with the statement that the subdivision will contain improvements in the flood plain. Jerry Ihler, Public Works/Engineering Director, said two lots will be filled in that are in the flood fringe, which is allowed by FEMA and has been reviewed by staff, and the 100 year storm would be contained within the channel even after these improvements; the second issue is to correct the map which shows the flood plain to be in one location, but when you go out there, that is not even where the creek is located, so it is a correction to the map to move the flood plain to where the actual creek is located and to show the 100 year flood. Ihler said Engineering has no problem with the request.

Purcell said he spoke with Ihler at length today in this regard due to his concern that 20 years from today there would be a situation similar to that in other locations. He said he had been assured that there was an error between what is shown on the map and what is on the ground. Purcell said if improvements were made and plotted on the map, the improvements would be in the flood way, therefore, if the correction is made, the improvements will be in the flood fringe, which is permissible.

MOVED by Purcell, SECOND by Beller, to authorize the flood plain administrator to execute an application to FEMA for a CLOMR for Wrattton Creek Tributary located in the proposed Heritage Hills Addition, Part 2. AYE: Williams, Dutcher, Purcell, Shanklin, Beller, Warren, Maples. NAY: None. OUT: Green. MOTION CARRIED.

13. Consider approving Change Order No. 2, accepting the Museum of the Great Plains Addition Project 95-1 as constructed by Waller Construction Company and placing the maintenance bond into effect. EXHIBITS: LETTER FROM KENT WALLER DATED MARCH 28, 1997; LETTER FROM PHIL BURK DATED MARCH 31, 1997.

Purcell asked to hear staff recommendation. Ihler said the recommendation in the agenda is the recommendation of the architect; however, it should be clarified that in dealing with change order issues where subcontractors have created problems, it has always been staffs position that the contractor is responsible for the actions of the subcontractor, and based on that, staff recommendation would be that the contractor is responsible for his subcontractors actions. However, Council should be aware that this situation has a unique twist in that there is a third party involved with the project.

Ihler said typically, staff designs the project and bids it out; the contractor turns in submittals which are reviewed by staff and returned to the contractor who then constructs the project. In this project, there is a third, independent party in that the architect for the project did not work for the City and the architect reviewed the submittals. The particular information the contractor has requested a time delay on is for the millwork or the cabinet work, and in fairness to the contractor, there was not a timely response in getting back the submittals to the contractor to allow him to complete the project in a timely fashion. There was as much as eight months to a year time frame before the submittal on that particular item got back to the contractor. Had the subcontractor worked in a timely fashion and not submitted fabrication that was incorrect and had to resubmit products, the project still could have been completed within the time frame, but there was a delay in getting the submittals back to the contractor.

Maples said the letter from Phil Burk and the letter from Mr. Waller mention the chalk board. Ihler said the chalk board was not considered in determining liquidated damages, and the chalk board was received after the time had stopped.

Purcell said he firmly believed in holding contractors responsible on the time frame established, but after everything he had seen on this project and talking with Ihler, he believed this is an exception to what Council normally sees and is really not the contractors fault, nor the Citys fault, in this instance.

MOVED by Purcell, SECOND by Beller, to approve Change Order No. 2 accepting the Museum of the Great Plains Addition as constructed by Waller Construction and place the maintenance bond into effect.

Beller said some of the submittals were held up in City Hall for a number of months and that should be considered also. Schumpert said he would like to go on record as indicating that is not correct. Beller said perhaps he had received erroneous information and the matter should be resolved before voting. Beller said he was told by the contractor that the submittals were held up an inordinate amount of time and asked Ihler if that was correct. Ihler said the third party was responsible for reviewing the submittals.

Beller asked what the City's part was in the submittals scenario. Ihler said the contract for construction was between the City and the contractor; the group that prepared the plans and specifications was responsible for reviewing the submittals. The City's responsibility was to receive the submittals from the contractor and get them to the architect for review; the architect returns them to the City and the City returns them to the contractor. Ihler said the City was a go-between in this situation.

Shanklin said the McMahon Foundation hired the architect and if they are not complaining, the City should not complain.

VOTE ON MOTION: AYE: Dutcher, Purcell, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

15. Consider approving a resolution in support of locating a high security prison in Lawton. EXHIBITS: RESOLUTION NO. 97-41.

Purcell said notice had been received by the Chamber and Representative Ron Kirby's office that a meeting would be held tomorrow to discuss this and suggested this be tabled to the next meeting.

Shanklin asked to comment before a motion is made. He said this is to try to keep someone from dragging their feet and the Council is invited to the meeting tomorrow. Shanklin said he would like to take the resolution to the meeting showing Council support for the prison.

Beller said he did not see a problem with Council expressing its support by resolution, and that he was disturbed that the Chamber says it may be premature. He said he supported the Chamber but that lately the Chamber had been speaking for the community. Beller said he would ask people who they had spoken with and the response was the Chamber of Commerce. He said he would like people to speak with the community leaders, which would include the Mayor and probably the City Manager and maybe a Council Member or two. Beller said the prison is an employment opportunity, it will not be funded with tax dollars, and the Council should be included on the beginning discussion sessions so things do not turn out like Bar-S did where things were promised that could not be delivered. Shanklin said if there are problems, it can be rescinded later.

Maples said the only negative comment she had heard was that no one ever wanted anything like this on their back door. She said it is an economic opportunity for Lawton, and there are no problems with the pre-release center located here. Maples said if anyone escapes, they will not stay in Lawton but would go somewhere else. She said she felt the City should support this.

Shanklin said this part of the State generates its fair share of those in the prison system.

Warren said he had received only one negative comment and did not feel it was premature for the Council to adopt the resolution.

Purcell said one question had been whether any other industries would be reluctant to locate in Lawton if it had a prison. Maples said Oklahoma City has several. Maples said she would not be able to attend the meeting tomorrow and suggested someone ask Mr. McCord when he was nominated to be the Council spokesperson.

MOVED by Shanklin, SECOND by Maples, to adopt Resolution NO. 97-41. AYE: Purcell, Shanklin, Beller, Green, Warren, Maples, Williams, Dutcher. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-41
A RESOLUTION SUPPORTING THE LOCATION OF A PRISON IN LAWTON.

16. Consider submitting a letter of support for a grant request from the McMahon Auditorium Authority to the McMahon Foundation for an electronic marquee in the McMahon Memorial Auditorium parking lot. EXHIBITS: GRANT REQUEST LETTER; PROPOSAL FROM ARROW SIGN COMPANY; LETTERS OF SUPPORT FROM PERCUSSIVE ARTS SOCIETY, MUSEUM OF THE GREAT PLAINS.

Schumpert said the current marquee was damaged by a storm and \$3,500 was received for repairs. He said the McMahon Auditorium Authority discussed whether it would be prudent to install some type of electronic marquee, which could be programmed for messages. Schumpert said economic impact would be to operate a black and white marquee for 18 hours a day, the cost per month for electricity would be about \$300; relamping costs every three years would be \$2,700, and those can be carried within the Auditorium maintenance budget. Monthly cost for electricity for a colored light system is

\$488 and \$7,000 every three years to replace the lamps. Recommendation from Arts & Humanities is for the black and white marquee and to submit a letter of support for the grant request.

Williams asked Council to join him in supporting this and suggested a color sign be requested. He said the facilities are in his area.

MOVED by Williams, SECOND by Warren, to send a letter of support for the grant to McMahon Foundation in support of this electronic sign, a color sign. AYE: Shanklin, Beller, Green, Warren, Williams, Dutcher, Purcell. NAY: Maples. MOTION CARRIED.

17. Consider funding two labor positions for Parks & Recreation ball field maintenance. EXHIBITS: NONE.

MOVED by Shanklin, SECOND by Beller, to approve the item.

Purcell said he supported funding this but the funding source is shown as Council Contingency. He said the budget as of the end of February shows funds in the budget for personnel for Parks & Recreation that has not been spent. Purcell suggested the positions be approved and funding be taken from the Parks & Recreation budget; if funds are needed, a request should be returned. Shanklin said he would agree with that.

SUBSTITUTE MOTION by Purcell, SECOND by Shanklin, to approve the positions with funding to be taken from the Parks & Recreation budget. AYE: Beller, Green, Warren, Maples, Williams, Dutcher, Purcell, Shanklin. NAY: None. MOTION CARRIED.

18. Consider authorizing an Adopt-a-Road Program. EXHIBITS: NONE.

Bill Baker, Assistant City Manager, said this is an initiative of the Environmental Concerns Committee. The program will involve various organizations adopting arterial and collector streets, but does not include any state highways. ODOT has a similar program for state highways. Adopting organization must agree to clean a section of road within 30 days initially and every 90 days thereafter; safety training and release of liability forms are involved. Public Works/Engineering will provide safety training and loan out safety vests and signs. The Environmental Committee wants to be the first group to adopt a road, and hopes to take this to Cameron University on Earth Day to get people signed up.

Beller asked if Cache Road would be considered a state highway. Baker said no, and that designation is now on Rogers Lane. Beller said the Cache Road median would require extensive maintenance due to the recent improvements.

Williams asked if the groups are recognized in any manner. Baker said Public Works/Engineering has agreed to prepare signs indicating the next mile or two have been adopted by a certain organization. Maples said she would like her facility to adopt 11th Street directly in front of the landfill and get that cleaned up. Baker said that is one of the worst in town.

Green said she had suggested adopt a street and adopt a park programs and that this should be supported. She asked that the organization also report any defects in the streets or signs so proper repairs can be made.

MOVED by Green, SECOND by Shanklin, to approve the program. AYE: Green, Warren, Maples, Williams, Dutcher, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

19. Consider approving transfer of funds from Council Contingency to Mayor & Council and City Managers Budgets. EXHIBITS: NONE.

MOVED by Shanklin, SECOND by Dutcher, to approve the fund transfer of \$3,000. AYE: Warren, Maples, Dutcher, Purcell, Shanklin, Beller, Green. NAY: Williams. MOTION CARRIED.

Mayor Marley said he and the Council had traveled more extensively than planned and the funds were needed to cover those expenses. Williams said his no vote was because he felt the funds should have been approved during the budget session initially.

CONSENT AGENDA:

20. Consider the following damage claims recommended for approval and consider passage of resolutions authorizing the City Attorney to file friendly suits for the claims over \$400.00: Gary and Gloria Bastin; Mark and Diane Keene; Steve and Carol Wegmen, by and through David Nottingham, Homefinders Realty; Mark and Donna Gartner, by and through David Nottingham, Homefinders Realty; and Louise Burton Gray. EXHIBITS: LEGAL OPINIONS/RECOMMENDATIONS. (Resolution Nos. 97- 42 and 97-43 on file) Wegmen: \$170.00; Gartner: \$200.00; Gray: \$195.00.

(Title only) RESOLUTION NO. 97-42

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST GARY AND GLORIA BASTIN IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE REDUCED AMOUNT OF SIX HUNDRED THIRTY-ONE DOLLARS AND THIRTEEN CENTS (\$631.13.)

(Title only) RESOLUTION NO. 97-43

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST MARK AND DIANE KEENE IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE REDUCED AMOUNT OF NINE HUNDRED DOLLARS (\$900.00).

21. Consider adopting a resolution ratifying the action of the City Attorney in filing and making payment of the judgment in the Workers Compensation case of Vee Morales in the Workers Compensation Court, Case No. 96-16470X. EXHIBITS: RESOLUTION NO. 97-44.

(Title only) RESOLUTION NO. 97-44

A RESOLUTION RATIFYING THE ACTIONS OF THE CITY ATTORNEY IN MAKING PAYMENT OF THE JUDGMENT IN THE WORKERS COMPENSATION CASE OF VEE MORALES FOR THE AMOUNT OF THIRTY-TWO THOUSAND ONE HUNDRED EIGHTY-FIVE DOLLARS (\$32,185.00) PER ORDER OF THE WORKERS COMPENSATION COURT, AND FILING A FOREIGN JUDGMENT IN THE DISTRICT COURT OF COMANCHE COUNTY FOR PURPOSES OF PLACING SAID JUDGMENT ON THE TAX ROLLS.

22. Consider authorizing payment of a Workers Compensation Order through the City's Third Party Administrator from the operating budget in lieu of placing the judgment on the ad valorem tax rolls. EXHIBITS: NONE. Action: Authorize payment of Workers Compensation Order on Joyce Whitten, Case #94-22330 A, through the City's Third Party Administrator.

23. Consider a resolution authorizing the installation and/or removal of traffic control devices at specified locations. EXHIBITS: RESOLUTION NO. 97-45; EXCERPT FROM 3/20/97 TRAFFIC COMMISSION MINUTES.

(Title only) RESOLUTION NO. 97-45

A RESOLUTION AUTHORIZING THE INSTALLATION OF TRAFFIC CONTROL DEVICES AT CERTAIN DESIGNATED LOCATIONS WITHIN THE CITY OF LAWTON, OKLAHOMA. Control/location: Install 2-way stop signs at intersection of 16th and SW McKinley stopping east/west traffic; Install "25 mph speed limit" sign along 5400 block of Briarwood Drive north bound; Remove two "stop" signs and install two "yield" signs at intersection of Kingswood Road and Wycliffe Lane yielding east/west traffic; Remove regulatory "20 mph speed limit" and install a warning "20 mph speed limit" sign northbound along NW 82nd Street at low water crossing between Gore Boulevard and Cache Road.

24. Consider granting a permit to the Lawton Chamber of Commerce and Industry (LCCI) for Temporary Landing Facility. EXHIBITS: LETTER OF REQUEST DATED MARCH 17, 1997; PERMIT FOR TEMPORARY LANDING FACILITY. Action: Grant permit to Lawton Chamber of Commerce and Industry for temporary landing facility (May 10, 1997 at K-Mart Shopping Center for helicopter landing/take off).

25. Consider approving Change Order No. 1 for SE "F" Avenue Street and Drainage Project 95-7b with T & G Construction, Inc. EXHIBITS: LETTER FROM MGR, INC.; LOCATION MAP. Action: Approve Change Order No. 1 in the amount of \$23,773.30 for the SE "F" Avenue Street and Drainage Project 95-7b with T & G Construction, Inc. Also adds 20 calendar days to project.

26. Consider entering into a contract with Mr. Ron Jarvis for fire protection outside the City limits, and authorize the Mayor and City Clerk to execute the contract. EXHIBITS: NONE. Action: Approve contract.

27. Consider approving the assignment of Back Support Systems. EXHIBITS: HEARTLANDS LETTER DATED FEBRUARY 26, 1997; LIFE AND SAFETY'S LETTER DATED MARCH 7, 1997. Action: Approve assignment to Life & Safety Distribution, Oklahoma City, OK.

28. Consider extending contract for Police Uniforms. EXHIBITS: VENDORS MAILING LIST; TABULATION; RECOMMENDATION. Action: Extend contract with Tuxall Uniform & Equipment, Oklahoma City, OK, at same terms through April 30, 1998.

29. Consider extending contract for Police Uniform Accessories. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Extend contract with Tuxall Uniform & Equipment, Oklahoma City, OK, through April 30, 1998, at same terms.

30. Consider extending contract for Weed Abatement. EXHIBITS: VENDORS MAILING LIST; TABULATION; RECOMMENDATION. Action: Extend contract with Service One Janitorial, Lawton, OK, through March 31, 1998, at same terms.

31. Consider extending contract for Animal Welfare Uniforms. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Extend contract with Tuxall Uniform & Equipment, Oklahoma City, OK, through June 30, 1998, at same terms.

32. Consider awarding contract for Mowers. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contracts for Items 1 and 2 to Enlow Ford Tractor, Inc., Tulsa, OK, and for Item 3 to

Standridge of Duncan, Duncan, OK, and authorize execution.

33. Consider awarding contract for Laptop Computer and Related Equipment. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATIONS. Action: Award contracts for Items 1 and 3 to Azarat Marketing Group, Miami, FL, and for Items 2 and 4 to Comark Govt./Educational Sales (CGES), Bloomingdale, IL, and authorize execution.

34. Consider awarding contract for VHF Air Band Portable Radio. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to Lawton Communications, Lawton, OK, and authorize execution.

35. Consider awarding contract for Hydraulic Pump and Cylinder Repair. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to Hannon Hydraulic, Inc., Irving, TX, and authorize execution.

36. Consider awarding contract for Fire Resistant Uniforms. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contracts for Item 1 to J.B. Battle Uniform Co., Oklahoma City; Item 2 to CASCO Industries, Oklahoma City, OK, and authorize execution.

37. Consider awarding a multi-source contract for Library Books, Services, and Periodicals. EXHIBITS: VENDORS MAILING LIST; RECOMMENDATION; LIST OF RESPONSIVE BIDDERS. Action: Award multi-source contracts and authorize execution. Vendors are: Books on Tape, Inc.; Byron Sistler & Assoc., Inc.; Childrens Press; Educational Record Center, Inc.; Encyclopedia Britannica, Inc.; Franklin Watts/Orchard Books; Gale Research; Grolier Educational; The HW Wilson Co.; Mitchell Repair Information Co.; Recorded Books Inc.; Regent Book Co.; Sadler Book & Office Supply, Inc.; Southwest Micropublishing, Inc.; University Book Service; World Book Educational Products.

38. Mayors Appointments. EXHIBITS: NONE.

Commission on the Status of Women:

Leona Evans, Ward 4, Term: 4/8/97 to 4/8/99

Dimple Joern, Ward 2, Term: 4/8/97 to 5/23/99

Donna Richey, Ward 3, Term: 4/8/97 to 4/23/98

Shirley Jackson, Ward 3, Term: 4/8/97 to 4/8/99

Commission on Aging:

Dimple Joern, Term: 4/8/97 to 12/19/98

Beth Garrett, Term: 4/12/97 to 4/12/2000

Environmental Concerns Committee:

Doug Brown, Citizen Rep., Term: 4/8/97 to 9/11/97

Library Board:

James Burpo, Term: 4/14/97 to 5/31/99

39. Consider approval of payroll for the period of March 24 through April 6, 1997. EXHIBITS: NONE.

MOVED by Williams, SECOND by Dutcher, to approve the consent agenda items as recommended. AYE: Maples, Williams, Dutcher, Purcell, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

40. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a lawsuit styled Seabolt v. Housing Authority of the City of Lawton, et al., Case No. CI-95-2042-M, and, in open session, appoint a person to represent the City at the Settlement Conference. EXHIBITS: NONE.

41. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a claim for attorneys fees in the lawsuit styled Green v. City of Lawton, Case No. CJ-96-452, Comanche County District Court, and, if appropriate, take action in open session on the claim. EXHIBITS: NONE.

ADDENDUM:

1. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the status of a lawsuit styled State of Oklahoma, ex rel. Department of Transportation; and the City of Lawton, Oklahoma vs. Sovell, et al., Case No. CJ-95-607, in the District Court of Comanche County, and take appropriate action in open session. EXHIBITS: NONE.

2. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending lawsuit styled Etta Marin, et al. vs. City of Lawton, Case No. CJ-97-266, in the District Court of Comanche County, and take

appropriate action in open session. EXHIBITS: NONE.

MOVED by Dutcher, SECOND by Shanklin, to convene in executive session as list on the agenda and recommended by legal staff. AYE: Williams, Dutcher, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 9:00 p.m. and reconvened in regular, open session at 9:30 p.m. with roll call reflecting all members present.

Cruz reported the Mayor and Council met in executive session to consider the four items listed on the agenda; on Item 40, Seabolt v. Housing Authority, recommendation is to designate Dick Zarle as the Councils representative to the settlement conference.

MOVED by Williams, SECOND by Purcell, to designate Dick Zarle as the Councils representative to the settlement conference in the Seabolt case. AYE: Purcell, Shanklin, Beller, Green, Warren, Maples, Williams, Dutcher. NAY: None. MOTION CARRIED.

Cruz said on Item 41, Green v. City of Lawton, recommendation is for the City Attorney to continue with the proceedings in District Court concerning application for attorneys fees and that the settlement offer not be accepted.

MOVED by Shanklin, SECOND by Williams, for the City Attorney to continue with the proceedings in District Court concerning application for attorneys fees and that the settlement offer not be accepted. AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Dutcher, Purcell. NAY: None. MOTION CARRIED.

Cruz said on Item 1 on the Addendum, ODOT v. Sovell, recommendation is to adopt a resolution authorizing settlement and payment for the taking of the property in the amount of \$105,000.

MOVED by Dutcher, SECOND by Maples, to adopt a resolution authorizing settlement and payment for the taking of the property in the amount of \$105,000 in ODOT v. Sovell. AYE: Beller, Green, Warren, Maples, Williams, Dutcher, Purcell, Shanklin. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-46

A RESOLUTION APPROVING AND AUTHORIZING ACCEPTANCE AND PAYMENT OF SETTLEMENT IN THE CONDEMNATION CASE STYLED STATE OF OKLAHOMA, EX REL. DEPARTMENT OF TRANSPORTATION AND THE CITY OF LAWTON, OKLAHOMA VS. SOVELL, ET AL., CASE NO. CJ-95-607, IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA.

Cruz said on Item 2 on the Addendum, Etta Marin v. City of Lawton, we received a proposed settlement on this matter, which was presented to the Council in executive session. Cruz said Council should consider at this time whether to accept the settlement offer or to decline the settlement offer and proceed to a hearing on the constitutionality of the ordinance on this matter.

MOVED by Purcell, SECOND by Williams, to not accept the settlement and proceed to a hearing on the constitutionality of the ordinance. AYE: Green, Warren, Maples, Williams, Dutcher, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Schumpert said the gates are open at both lakes and copies of the policy had been distributed as to how it is determined when the gates should be open and the levels. He said there is a special Council meeting Thursday at 6 p.m.

Schumpert said the Mayor and some staff are going to Treasure Lake Job Corps to visit about the expertise they have and to see if the City could benefit from that for City projects. He said the Police Department has a fund raising effort for the March of Dimes, an all you can eat beans and cornbread dinner, Wednesday and Thursday, April 9 and 10, for \$3.00. Schumpert said the Spirit of the Southern Plains will be held at the Comanche County Fairgrounds April 18 and 19.

Schumpert said on Thursday, he and the Mayor would go to a meeting in Tecumseh regarding the CIC, community intake center, to speak with the board that will make the final decision as to where the facility will be located. He said it is their hope that it would be located here.

Shanklin said the debris should be picked up, and further trash prevented, on the road south of the landfill.

Beller said he inquired into the possibility of notifying business license holders of pending expiration of licenses. He said it is currently tracked by hand on a large black board, and renewal notices are not sent out. Beller said another occasion came up yesterday where a business failed to renew, the place was shut down and people were out of work. He said today there are day care centers listed on the board, and his immediate thought was what if a person took children to a day care center and found a sign saying the City has closed the business.

Beller asked Council to consider authorizing the license division to buy a computer for \$1,560, a printer for \$280, and the printing and postage would be \$2,300. He said this is a minimal expense to perform a service for local businesses, and

asked the City Manager to bring an item for this with the funding source to be Council Contingency.

Shanklin said there are 500 computers in City Hall and asked why another was needed. Maples asked if the division did not have a computer. Beller said the work is being done by hand. Maples suggested using a form letter to let people know their permit is about to expire.

Williams said during the next budget session, Council should consider changing the utility bill format to allow for insertion of an information sheet. He said he felt the City needed to improve in this regard. Williams said items such as these, and the computer being discussed, need to be considered during budgeting.

Beller said he saw no reason the City could not send reminder notices for permits and that businesses have been shut down because permits have expired. He said he would hate to see this put on hold until the budget. Maples said the City Manager can direct the department to develop a form letter and send it out to the businesses now without waiting until the budget.

Beller said the code provision should be changed to give discretion to the City Manager to allow a business to remain open under certain circumstances.

There was no further business to consider and the meeting adjourned at 9:40 p.m.